

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Annette Margaret Shultz
fka Annette Margaret Franks
Charles William Shultz Jr.
Debtor(s)

Bankruptcy Case No.: 15-70198-JAD
Issued Per May 18, 2017 Proceeding
Chapter: 13
Docket No.: 127 – 112, 116
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 3, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$942 as of June 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: CVI Loan GT Trust I at Claim No. 11 .
- ☒ H. Additional Terms: The claim of Nationstar Mortgage, LLC at Claim No. 9 shall be paid per loan modification.
Attorney's fees are based on a retainer of \$361. The plan is funded for the no-look fees of \$5,000 total plus an addition of \$1,000.
Fee application needed if any fee (including retainer) exceeds \$5,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 26, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Annette Margaret Shultz
Charles William Shultz, Jr.
DebtorsCase No. 15-70198-JAD
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
Form ID: 149Page 1 of 2
Total Noticed: 37

Date Rcvd: May 26, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 28, 2017.

db/jdb +Annette Margaret Shultz, Charles William Shultz, Jr., P.O. Box 75,
Heilwood, PA 15745-0075

cr +Exeter Finance Corp. Department, P.O. Box 201347, Arlington, TX 76006-1347

14076794 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178,
Los Angeles, CA 90051-5478

14015026 Berkheimer, 50 North Seventh Street, P.O. Box 995, Bangor, PA 18013-0995

14015028 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
(address filed with court: Collection Service Cen, Attn:Collection Center, Po Box 14931,
Pittsburgh, PA 15234)

14015027 +Clear Spring Loan Service, 18451 North Dallas Parkway Suite, Dallas, TX 75287-5202

14015029 #+Collection Service Center, P. O. Box 68, Altoona, PA 16603-0068

14063123 +Exeter Finance Corp., P.O. Box 167399, Irving, TX 75016-7399

14015036 +Fed Loan Serv, Po Box 60610, Harrisburg, PA 17106-0610

14015037 +Federal Loan Service, P. O. Box 60610, Harrisburg, PA 17106-0610

14015038 +First Premier Bank, 601 South Minnesota Avenue, Sioux Falls, SD 57104-4868

14015040 +HSBC/TAX, 90 Christiana Road, New Castle, DE 19720-3118

14015039 +Holiday Financial Services, 112 Hollidaysburg Plaza, Duncansville, PA 16635-8410

14015042 +Midland Funding, PO Box 939069, San Diego CA 92193-9069

14073191 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, Attn: Bankruptcy Department,
P.O. Box 619096, Dallas, TX 75261-9741)

14015044 Nationstar Mortgage, P.O. Box 619079, Dallas TX 75261-9079

14048121 +Penelec, 331 Newman Springs Rd., Bldg. 3, Red Bank, NJ 07701-5688

14015045 Penelec, P.O. Box 3687, Akron, OH 44309-3687

14015046 +Penn Credit, 916 S 14th St, Harrisburg, PA 17104-3425

14015047 +Pennsylvania Collection Service, 63 Valley View Drive, Washington, PA 15301-2409

14015048 +Rcs/cvi Loan Gt Trust, P. O. Box 10497, Greenville, SC 29603-0497

14015049 +Shapiro and DeNardo, 3600 Horizon Drive Suite 150, King of Prussia, PA 19406-4702

14015050 +Smith Coal and Oil, 1030 Shawna Road, Northern Cambria, PA 15714-8700

14060042 U.S. Department of Education, C/O FedLoan Servicing, P.O.Box 69184,
Harrisburg, PA 17106-9184

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14032723 +E-mail/Text: g20956@att.com May 27 2017 00:47:12 AT&T Mobility II LLC,
% AT&T Services, Inc, Karen Cavagnaro, Paralegal, One AT&T Way, Room 3A104,
Bedminster, NJ 07921-2693

14023041 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 27 2017 02:59:22
American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
Oklahoma City, OK 73126-8941

14080146 E-mail/PDF: resurgentbknofications@resurgent.com May 27 2017 00:40:42
CVI Loan GT Trust I c/o Resurgent Capital Services, P.O. Box 10675,
Greenville, SC 29603-0675

14025641 +E-mail/Text: bankruptcy@cavps.com May 27 2017 00:47:03 Cavalry SPV I, LLC,
500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340

14015030 +E-mail/Text: Umesh.Patil@credencerm.com May 27 2017 00:47:16 Credence Resource Management,
6045 Atlantic Boulevard Suite 2, Norcross, GA 30071-1322

14015031 +E-mail/Text: hariasdiaz@creditmanagementcompany.com May 27 2017 00:47:06
Credit Management Co, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956

14015033 E-mail/PDF: creditonebknofications@resurgent.com May 27 2017 00:41:01 Credit One Bank,
P.O. Box 60500, City Of Industry, CA 91716-0500

14015034 +E-mail/Text: bankruptcynotices@dcicollect.com May 27 2017 00:47:11 Diversified Consultant,
10550 Deerwood Park Boulevard, Jacksonville, FL 32256-0596

14015035 +E-mail/PDF: ais.exeter.ebn@americaninfosource.com May 27 2017 00:41:31 Exeter Finance Corp,
P. O. Box 166097, Irving, TX 75016-6097

14015041 +E-mail/Text: ebn@ltdfin.com May 27 2017 00:46:11 Limited Financial Service,
7322 Southwest Freeway Suite 1, Houston, TX 77074-2010

14015043 E-mail/Text: lisa.girgen@securian.com May 27 2017 00:47:10 Minnesota Life Insurance Company,
400 Robert Street North, Saint Paul, MN 55101-2098

14080571 +E-mail/Text: JCAP_BNC_Notices@jcap.com May 27 2017 00:46:59 Premier Bankcard, Llc,
c o Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-7999

14015051 +E-mail/Text: bnc-bluestem@quantum3group.com May 27 2017 00:47:13 Webbank/Fingerhut,
6250 Ridgewood Road, Saint Cloud, MN 56303-0820

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC

cr Nationstar Mortgage LLC

14015032* +Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-7

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 37

Date Rcvd: May 26, 2017

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 28, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 26, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Nationstar Mortgage LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
David A. Colecchia on behalf of Debtor Annette Margaret Shultz colecchia542@comcast.net,
dcolecchia@my-lawyers.us;jmonroe@my-lawyers.us;sshipley@my-lawyers.us;rjuliano@my-lawyers.us;ekud
lock@my-lawyers.us
David A. Colecchia on behalf of Joint Debtor Charles William Shultz, Jr.
colecchia542@comcast.net,
dcolecchia@my-lawyers.us;jmonroe@my-lawyers.us;sshipley@my-lawyers.us;rjuliano@my-lawyers.us;ekud
lock@my-lawyers.us
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC bkgroup@kmlawgroup.com
Kevin Scott Frankel on behalf of Creditor Nationstar Mortgage LLC pabk@logs.com
Kimberly A. Bonner on behalf of Creditor Nationstar Mortgage LLC amps@manleydeas.com
LeeAne O. Huggins on behalf of Creditor Nationstar Mortgage LLC pabk@logs.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9